

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>FORIA INTERNATIONAL, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>NITCHES, INC.; KOHL'S DEPARTMENT</b>	)	<b>Case No.</b>
<b>STORES, INC.; and DOES 1-9,</b>	)	<b>CV 05-4798PA(Mcx)</b>
<b>INCLUSIVE,</b>	)	<b>(Central District of California)</b>
	)	
<b>Defendants,</b>	)	

**KOHL'S DEPARTMENT STORES, INC.,**

**Movant,**

**Case No.: 2:05-mc-03270-MEF**

**v.**

**CAPELL & HOWARD, P.C.,**

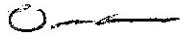
**Respondent.**

**KOHL'S DEPARTMENT STORES, INC.'S  
WITHDRAWAL OF MOTION TO COMPEL DELIVERY OF CASE FILE**

Movant Kohl's Department Stores, Inc. ("Kohl's") respectfully gives notice that it hereby withdraws its Motion to Compel Delivery of Case File **without** prejudice, effective thirty (30) days from the date this Withdrawal is filed. As grounds, Kohl's states that the underlying case has preliminarily settled and been dismissed by agreement of the parties in mediation, and the Motion to Compel has therefore been rendered moot for the time being. As a result, it is no longer necessary for the Court to address the issues raised in Kohl's Motion to Compel at this time. The delay in the effective date of the Withdrawal is to ensure the underlying case has time to be formally dismissed. Kohl's reserves the right to renew its Motion to Compel should the

underlying case fail to be formally dismissed for any reason. Nothing herein is meant to waive any right to submit the actions described in the Motion to the appropriate State Bar Center for Professional Responsibility.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have mailed by United States Postal Service a copy of the foregoing document to the following this the 29<sup>th</sup> day of November, 2005.

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